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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FREDDY M. MOROCHO, WALTER
TACURE on behalf
of themselves and others
similarly situated,

Plaintiffs,

- against -

GEORGE C. KELLY, and NYACK
COLONIAL CAR WASH, INC.

Defendants.

INDEX NUMBER: 07 CIV. 2979
(MDF)

AFFIDAVIT OF KAREN L. ZDANIS

Karen L. Zdanis, Esq., of full age, being duly sworn
upon her oath, deposes and says:

1. I am an attorney representing Plaintiffs in the above captioned matter, and in that regard I am familiar with the facts set forth in this affidavit.
2. Plaintiff Walter Tacuri originally communicated to me that his last name was spelled "Tacure," however upon recognizing the spelling error at a later date, stated that his last name is spelled "TACURI."
3. Annexed hereto as Exhibit A is a true and complete copy of the Plaintiff's Complaint filed April 13, 2007.
4. Annexed hereto as Exhibit B is a proposed copy of

Plaintiff's Amended Complaint.

5. The depositions of plaintiffs Freddy Morocho, Jose Morocho, and Diego Ojeda have transpired in the past two weeks. The deposition of the accountant of Nyack Colonial Car Wash, Inc. (hereinafter "Nyack Car Wash"), John Occhino was previously scheduled for February 1, 2008, however due to defense counsel's illness, needs to be rescheduled.

6. Annexed hereto as Exhibit C are true and complete copies of relevant pages from the examination before trial of defendant George C. Kelly (hereinafter "Kelly"), setting forth that Kelly testified that he was the General Manager of Nyack Car Wash which is owned by partners James Miner, John Weigel, and Timothy Weigel. (Exhibit C, Transcript from Examination Before Trial of George C. Kelly, January 15, 2008, p. 6, 21:25, p. 7, 6:13, p. 16, 9:15, p. 82, 3:7).

7. Annexed hereto as Exhibit D are true and complete copies of relevant pages from the examination before trial of defendant Kelly, setting forth that Kelly testified that there were two corporations associated with the Nyack Car Wash, Nyack Colonial Inc., and J & J Inc. (See Exhibit D, Transcript from Examination Before Trial of George C. Kelly, January 15, 2008, p. 8, 21:25.)

8. Annexed hereto as Exhibit E are true and complete copies of relevant pages from the examination before trial of

defendant Kelly, setting forth that Kelly testified that he and Timothy Weigel own the GT Car Wash, Inc., located in Tenafly New Jersey, where Kelly is the Secretary and Timothy Weigel is the President, and that Mr. Weigel and Kelly share the responsibilities at this Tenafly Car Wash with regard to payroll, tips, and overtime. (Exhibit E, Transcript from Examination Before Trial of George C. Kelly, January 15, 2008, p. 18, 24:25, p. 19 1:12, p. 20 5:12, p. 161 24:25, p. 162 2:18).

9. Annexed hereto as Exhibit F is a true and complete copy of a relevant page from the examination before trial of defendant Kelly, setting forth that Mr. Kelly testified that James Miner and Timothy Weigel have an ownership interest in the Northvale Car Wash. (See Exhibit F, Transcript from Examination Before Trial of George C. Kelly, January 15, 2008, p. 23, 4:10).

10. Annexed hereto as Exhibit G are true and complete copies of relevant pages from the examination before trial of defendant Kelly, setting forth that Kelly testified that he brought parts to the Northvale Car Wash, assisted with maintenance and other working aspects of the Northvale Car Wash, and would keep stock of parts used by all car washes and reorder same. (See Exhibit G, Transcript from Examination Before Trial of George C. Kelly, January 15, 2008, p. 22, 10:25, p. 161 5:23).

11. Annexed hereto as Exhibit H are true and complete copies of relevant pages from the examination before trial of defendant Kelly, setting forth that Kelly testified that James Miner has an ownership interest in both the Northvale Car Wash and the Pearl River Car Wash. (See Exhibit H, Transcript from Examination Before Trial of George C. Kelly, January 15, 2008, p. 17, 4:17).

12. Annexed hereto as Exhibit I are true and complete copies of relevant pages from the examination before trial of defendant George C. Kelly, setting forth that Mr. Kelly testified that he visited the Pearl River Car Wash monthly and brings parts there. (See Exhibit I, Transcript from Examination Before Trial of George C. Kelly, January 15, 2008, p. 21, 7:25 and 22 10:18).

13. Plaintiffs served the first set of discovery demands on defendants on or about October 4, 2007.

14. Defendants served their responses to plaintiffs discovery demands on or about November 30, 2007, after plaintiffs sought the Court's assistance in setting a discovery schedule via a discovery conference in Court which took place October 25, 2007.

15. On or about February 5, 2008, plaintiffs sought a conference regarding defendants' withholding of documents responsive to plaintiffs discovery demands.

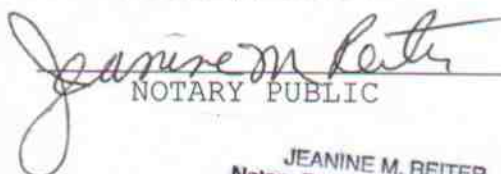
16. Prior to the deposition of defendant George C. Kelly on January 15, 2008, plaintiffs were not in possession of any information pertaining to other owners of the Nyack Colonial Car Wash, Inc.

17. Annexed hereto as Exhibit J is a true and complete copy of the Pre-Trial Scheduling Order as filed with the Electronic Court's Filing System.

18. Pursuant to the Pre-Trial Scheduling Order, the discovery end date is March 14, 2008.


KAREN L. ZDANIS

KAREN L. ZDANIS
Sworn and Subscribed to
before me this 16 day
of February, 2008.


NOTARY PUBLIC

JEANINE M. REITER
Notary Public State Of New York
Qualified In Rockland County
Lic. #01REG054404
Commission Expires February 5, 2011